

## MINUTES

CASE NUMBER: CR 14-00826SOM  
CASE NAME: USA vs. Albert S.N. Hee  
ATTYS FOR PLA: Lawrence Tong  
Quinn Harrington  
Greg Miki (IRS)  
ATTYS FOR DEFT: Michael Purpura  
Erika Amatore  
Lyle Hosoda  
Addison Bonner  
Ellie Asasaki (USPO)

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JUDGE: Susan Oki Mollway

REPORTER: Debra Chun

DATE: 01/06/2016

TIME: 9:00 - 12:15

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COURT ACTION: EP: Continued Sentencing to Counts 1 - 7 of the Second Superseding Indictment (Continued Evidentiary) -

Defendant Albert S.N. Hee present.

Further discussion held re: the benadryl tablets and the feasibility of the defendant's condition being addressed in a medical center.

Dr. Steven Berman contacted by telephone.

Dr. Berman sworn over the telephone - no objection by the parties.

Court questions Dr. Berman.

Arguments.

Allocution by the defendant.

ADJUDGED:

Imprisonment: 36 Months as to Counts 1 and 3 through 7, to run concurrently; and 10 Months as to Count 2, to run consecutively with Counts 1 and 3 through 7, for a total sentence of 46 Months.

Supervised Release: 1 Year as to each of Counts 1 - 7, with all terms to run concurrently.

Fine: \$10,000.00, within 14 days of sentencing.

Restitution: \$431,793.00.

Special Assessment: \$700.00 (\$100.00 as to each of Counts 1 - 7).

CONDITIONS:

- ▶ The defendant shall abide by the standard conditions of supervision.
- ▶ The defendant shall not commit any crimes, federal, state, or local (mandatory condition).
- ▶ The defendant shall not possess illegal controlled substances (mandatory condition).
- ▶ The defendant shall cooperate in the collection of DNA as directed by the probation officer (mandatory condition).
- ▶ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
- ▶ The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of commencement of supervision and at least two drug tests thereafter but no more than eight valid drug tests per month during the term of supervision. This mandatory drug test condition is waived.
- ▶ The fine of \$10,000.00 is due within 14 days of sentencing. Any unpaid balance is to be paid during the period of supervision in monthly installments of 10% of the defendant's gross monthly income, commencing 30 days after the start of supervision. The Court may order that this requirement be changed from time to time as the defendant's circumstances warrant, but not Court order shall be required for the defendant's voluntary agreement to pay more than the Court-ordered amount. Interest is waived while the defendant is serving any term of imprisonment and shall begin accruing on any remaining balance commencing 30 days after the start of supervision. Payments shall be made by payroll deduction, when applicable. The defendant shall notify the Probation Office of any change in the defendant's financial circumstances that affect the defendant's ability to pay. The defendant's financial circumstances shall be reviewed by the Probation Office on at least an annual basis.

- ▶ The defendant shall execute all financial disclosure forms, and provide the Probation Office access to any requested financial information, as directed by the Probation Office.
- ▶ The defendant shall provide to the Probation Office a signed release authorizing credit checks and an accurate financial statement, with supporting documentation, as to all sources and amounts of income and all expenses of the defendant and any business owned, in whole or in part, by the defendant.
- ▶ The defendant shall provide the Probation Office with access to any and all business records, financial records, client lists, and other records, pertaining to the operation of any business owned, in whole or in part, by the defendant, as directed by the Probation Office.
- > The defendant shall cooperate with the Internal Revenue Service and arrange for the payment of delinquent taxes, interest and penalties, and the timely filing of tax returns and/or corrected amended tax returns.
- ▶ The defendant shall submit his person, property, house, residence, vehicle, papers, or office, to a search conducted by a United States Probation Officer. Failure to submit to a search may be grounds for revocation of release. The defendant shall warn any other occupants that the premises may be subject to searches pursuant to this condition. An officer may conduct a search pursuant to this condition only when reasonable suspicion exists that the defendant has violated a condition of his supervision and that the areas to be searched contain evidence of this violation. Any search must be conducted at a reasonable time and in a reasonable manner.

JUDICIAL RECOMMENDATIONS: 1) Level 4 Medical Facility at Rochester; 2) If the defendant is designated to a Level 3 Medical Facility, Defendant requests the Medical Facility at Devens, Massachusetts.

Mittimus stayed until 4/4/16.

Defendant to self surrender @ 10:00 a.m. 4/4/16.

The time is the time at the facility.

If there is a medical need to extend the mittimus date, Mr. Purpura to confer with the government. If there is no agreement to extend mittimus, Mr. Purpura to file a motion.

Submitted by: Toni Fujinaga, Courtroom Manager.

